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T H E

DANGEROUS CONSEQUENCES

O F

PARLIAMENTARY DIVISIONS.

IT is recorded by some of the Antients, That *Alexander* enquiring in what Manner he could most strongly fortify the Walls of a Frontier Town, was answered by his sage Tutor, *Aristotle*, in the following just and concise Manner ; That the most assur'd Walls were the Hearts and Good-will of his Subjects, and a strict Obedience to the Laws. This is so certain a Maxim, that the Prince who acts contrary thereto follows a meer *Ignis Fatuus*, and can be in no Expectation either of being *easy* and *happy* in his Government, or bestowing those Blessings on his Subjects, which Heaven has substituted him to dispense. *Union* is the firm Cement of Society ; it is the indissoluble Bond of public Good, and the only Promoter of private Affluence and Tranquility : Whoever, therefore, by any indirect Methods, attempts to disjoin a Prince from his People, is look'd upon as a Traitor to both ; and those who, by their Proceedings (in whatever elevated Station of Life they may be) shall endeavour to sow the mutual Seeds of Discord between

the Crown and the Commonalty, tho' they do not immediately drive Things to the last Extremity, yet they will very justly be look'd upon as the Authors of, and accountable for, all the future Disorders and Inconveniences that may unhappily attend such a reciprocal Distrust of each other.

Every true *Englishman* and Lover of his Country must be naturally led into this Way of thinking, and reflect, with Horror, on some *late Proceedings*; especially if comparing them with those of a like Kind, in some *former* unhappy Reigns, he looks forward to the *dreadful Consequences* that must necessarily attend them: It is to be hoped, that there is no one so abandoned as to wish his native Country should be embroiled in the *same miserable Circumstances*, as it was in the *last Century*, the *dreadful Effects* whereof are scarce recovered to this Day; but if timely Precaution does not bring *some Gentlemen* to a better Way of thinking, the *dreadful Breach* seems ready to open, and our Expectations are big with the Danger that seems to threaten us: Let *every one* therefore heartily join in that *necessary Part* of the establish'd Service of the Church, and say, ‘ That it may please thee ‘ to endue the Lords of the Council, and *all* ‘ the *Nobility* with *Grace, Wisdom* and *Understanding* :’ For we have just Reason to be alarm'd, and implore the Interposition of the divine Providence to avert the impending Storm, when one Part of the Legislature seems determined to clash with, or obstinately

nately oppose, the other. Our Ancestors too severely felt the Effects hereof, for us to look on Dangers of this Kind with Indifference ; their Union and Harmony can only support our Liberties intire, as their Disagreement threatens the *most fatal* Blow they can feel ; our Rights and Privileges were fix'd by the *Revolution* on so firm and lasting a Foundation, that nothing but such a terrible Disunion can ever shake them ; the People, who, at that glorious *Æra*, were confirm'd in an equal Share of the Administration by their Representatives, as in Justice they ought, have complained of several enormous Grievances that have crept in upon them : They hoped and expected Redress ; and when their Expectations were at their Height, their Representatives having done *all that in them lay* to gratify their Entreaties, and give them the Satisfaction they demanded, they find a *Stop* put to their laudable Endeavours by those whose Title to Honour is to *relieve the Oppressed* and *succour the Injured*. Sad is the Prospect, and terrible the Apprehensions, that every thinking Man must form from such a Demur in the Proceedings of Justice : What the Event may be, Heaven only knows ; but it seems big with frightful Appearances ; the People's Representatives, in order to clear themselves from the Imputation of being subject to undue Influence, which had been much, and, I am afraid, too justly complained of in the *last* Assembly of the grand Council of the Nation, prepared a Bill for preventing

preventing any such sinister Proceedings for the future ; and surely it was reasonable to imagine that they might have a Liberty of purging themselves, and removing those, who, by their Dependance, could not be supposed to vote freely where that, or any Thing that affected that Dependance, was concerned ; but this Liberty was refused them, and a Check put upon the Ardour of their first Endeavours to procure that *Freedom* and *Independency*, which ought to subsist where all private Interests should give Place to the Public. This was a Matter of general Consternation to the People, but what followed in Relation to the ~~Act of Loyalty~~ has left them almost hopeless and despairing ; I shall not enter into the Reasonableness of that Act ; the present Situation of Affairs, the Occasion that gave Rise to it, and the ill Success it met with, are Circumstances too melancholy to repeat, and too glaring to need it. Let it suffice to say, that the whole Nation is convinced that their great Enemy, at whom it was levelled, and against whom the Cries of Millions are still imploring for Justice, has found as shameful a Majority in one Place as he had too lately lost, and too long maintained, in another. I shall only endeavour to point out some of the many ill Consequences that must inevitably ensue, if that *Offender* is continued to be screened or prevented from taking a fair Trial, to convince the World, if he can, that he is not guilty of the many Offences laid to his Charge : For when a Man endeavours

endeavours to elude or baffle a just and honest Enquiry, Mankind are always ready, as they have *too much* Reason, to conclude him guilty : I will not absolutely say that those who encourage him in *such* an Evasion, are link'd with him, and *equally culpable* for his Crimes ; the Expression is rather too harsh, tho' it is generally allowed, that the Coniver is as bad as the Perpetrator of a Mischief ; but I would have these Gentlemen consider the *long Train of Evils* which they are drawing upon us and our Posterity, by thus *misapplying* their *Favour*, and *retarding* the Course of Justice : Evils that affect not *one Part* only, but our *whole Constitution* ; a Proceeding highly injurious to the Dignity of the ~~Crown~~, their *own Honour*, and tending to the *utter Subversion* and *Abolition* of the People's Privileges ; the only *just* and *true Support* of both the former : And, lastly, as it shews us thus *weak* and *divided* at home, it renders us *contemptible* to Foreigners, *wavering* and *irresolute* in the Opinion of our Allies, and *mean* and *despicable* to our avow'd Enemies : And that these are the Effects of the rash Resolutions taken to oppose any Thing that may create an Enquiry into the Conduct of the E. of ~~Oxford~~, the following Considerations, I believe, will put past all Dispute.

No Constitution can be better formed for the mutual Honour, Protection, and Safeguard, of King, Peers, and People, than what was transmitted to us by our Ancestors ; true, it has caused an Effusion of much Blood, and

an immense deal of Treasure to bring it to its present glorious Establishment ; and as it is, it exceeds in Reality all the fancied Forms of perfect Government, laid down by *Plato* or others, who strove to shew what Parts a regular System of Society ought indispensibly to consist of, to make it the only true Standard and Model of a happy Nation. The following short Analysis of it, as it is laid down by a great Lawyer, in the Preface to his Reports, will give us a clear View of the Whole, and at the same Time assist me, as I shall endeavour to point out the Misfortunes that may attend each particular Part, if a speedy Stop be not put to that Spirit of Division which seems to possess one of them, and consequently must destroy the Harmony and Cohesion of the others.

‘ The Government of *England*, says he, ‘ is a rare and admirable Mixture of *Monarchy*, *Aristocracy*, and *Democracy* ; and it is ‘ so excellently temper’d by the Wisdom of ‘ our Ancestors, as that it gives the King- ‘ dom the Conveniences of *all*, without ‘ the Inconveniences of *any one*, so far forth ‘ as by human Wisdom they may be pre- ‘ vented. The supreme Power of making ‘ Laws whereby to govern and judge the ‘ People in Time of Peace ; and likewise the ‘ Power of Arms for preventing Invasions ‘ and Insurrections, rests in the King immove- ‘ ably, whereby he is sufficiently enabled to ‘ protect his People ; the Laws by which he ‘ is

• is to govern, cannot be made but by the
 • Consent of the House of *Peers*, and by the
 • *Commons* duly chosen ; the King cannot
 • make Use of his high and supreme Power
 • to the Prejudice of those for whose Good
 • he hath it ; the *House of Commons*, (as an
 • excellent Conserver of Liberty) is solely in-
 • trusted with the first Propositions concern-
 • ing the *Levies of Money*, the *Sinews of War*
 • and *Peace*) and for the *impeaching* of those
 • who *for their own Ends* (tho' countenanced
 • by the King's Commands) have *violated*
 • that Law which they are bound to *protect*.
 • The *Lords* being trusted with *judiciary*
 • Power, are an excellent Skreen and Bank be-
 • tween the King and the People, to assist *cach*
 • against the Encroachments of the *other*.

• The Laws which do support this Mo-
 • narchy, do excel all other Laws, for they
 • give unto the King the most noble and
 • royal Prerogatives, and yet maintain withal
 • the ingenious Liberty of the Subject. These
 • Laws are so framed and fitted to the Nature
 • and Disposition of the People, as I may
 • say they are co-natural to the Nation. The
 • People have made their own Laws out of
 • their own Wisdom and Experience, not bor-
 • rowing a Form of a Commonwealth either
 • from *Rome* or *Greece*, as other Nations have
 • done ; but having sufficient Provision of
 • Law and Justice within the Land, have no
 • need *Iustitium et Judicium ab alienigenis*
 • *emandicare*; as King *John* wrote most nobly
 • to *Innocent the Third*: Neither could any

one Man ever vaunt, that, like *Minos*,
Solon or *Lycurgus*, he was the first Law-
giver to this Nation: For neither did the
King make his own Prerogative, nor the
Judges make the Rules and Maxims of the
Law by which they judge; nor the com-
mon Subject prescribe the Liberties which
he enjoyeth by the Law, but long Experi-
ence, and many Trials of what was best for
the common Good, hath produced them.

These Laws are grounded on Reasons
antienter than Books, consisting in unwrit-
ten Customs, yet so full of Justice and Equi-
ty, that our honourable Predecessors many
Times defended and maintained them with
a *Nolumus mutare*; and so antient, that
from the *Saxons* Days, notwithstanding the
Injuries and Ruins of Time, they have
continued in the most Part the same, as
may appear in the old remaining Monu-
ments of the Laws of *Ethelbert*, the first
Christian King of *Kent*, *Ina* the King of
the *West Saxons*, *Offa* of the *Mercians*, and
of *Alfred* the great Monarch, who united
the *Saxon* Heptarchy, whose Laws are yet
to be seen, published by Parliament, to
the End; *Ut qui sub uno Rege, sub una Lege*
reggerentur.

If then this excellent Form of Government
consists of three States, mutually bound to
assist and protect each other, those who
thwart this glorious Design, and endeavour
to make one distinct from the other, most cer-
tainly endanger the *Whole*. If those who by
the

the Station they shine in, are the Medium to preserve the Ballance between the other two, shall be the first to turn it from its due and proper Poise once chang'd, the whole System is ruin'd, and every thing runs headlong to Anarchy and Confusion.

When a *Minister*, by a *long-continued Series of Male Practices*, has rendered himself *obnoxious* to the People in general, the screening of such a Person by any one Part of the Legislature, will be very apt to raise in the Breasts of the Public, a *Distrust* of what they ought always to look upon with the greatest Reverence; it will create in them bad and distemper'd Thoughts, and in the Freedom of their Speeches flowing from the Height of their Resentments, they will precipitate themselves into the greatest Enormities, and talk disrespectfully of *Maj~~e~~ty* itself. *Obedience* is undoubtedly the Duty of the People, but in return of that, they expect the *regal Power* to protect them in their Rights and Privileges, and, when their just Complaints are offer'd, to redress their Grievances. Those therefore who obstruct the Course of Justice, or, which is worse, absolutely put a Stop thereto without any sufficient Reason assigned, can be no Friends to their Monarch, whom by that Means they deprive of one of the greatest Prerogatives of Royalty, doing Justice to the Injured, and revenging their Wrongs on their Oppressor.

His Majesty well knows with what Tenderness and Love his Subjects are to be treat-

ed; his *Speeches* from the Throne have always informed us of his Resolution to maintain that Harmony which ought to subsist between a *good King* and a *great and free People*; he finds it much more safe and easy to erect his Throne over their *Hearts*, than (as some former mistaken Princes have done) over their *Heads*, and that it is much better to be obey'd thro' *Love* than *Fear*, as the Dominion founded on the latter often meets the same Fate as a sumptuous, though weak, Fabrick erected on the Sands; while that establish'd on the former, continues firm and immovable as a Rock: It is allowed that a *Parliament* is the truest Glass wherein a Prince may discern his People's *Love*, and his own *Happiness*: If this Postulatum is (what I believe no Man will dispute) an undeniably one, why then a consequent one is that the retarding, or manifestly obstructing the Course of the People's Application for Justice, must render them discontented and uneasy; which Discontent however otherwise curb'd and restrained from further extravagant Proceeding will at least break out in Clamours against the Fountain whence they expected that Justice to flow. From whence we must naturally draw this conclusive Inference, that whoever impedes a Parliamentary Enquiry set on Foot and propagated by the unanimous Consent and earnest Desire of the People, *they*, and *only they*, are guilty of alienating the Subjects Love from the Throne, depriving the Royal Dignity of an Opportunity

tunity to do us Right, and giving Room for the opening of such a Breach as may not be closed before it is attended with the *most fatal* Consequences ; a distant Prospect of which must strike a Panick into the *most Intrepid* ; and those who would *face Death* in its *dreadfullest* Shapes abroad would be dismay'd to see him *ride triumphant* over the Ruins of their Friends and Countrymen at home.

Whoever impartially considers the Behaviour of the ~~Commons~~ since the Title of Earl of Oxford being conferr'd on Sir Robert ~~Holles~~, must acknowledge that they have *done all* that has been *in their Power* to do ; but they have met with such a shameful Opposition from the upper House, that their Constituents, tho' very well satisfied with the Integrity and Candour of their Representatives, yet despair of meeting the Recompence they expected for all the grievous Wrongs and Impositions they had groaned under. Hence they censure indiscriminately all who have prevented their Enquiry, and each imputes the Fault where Reason most probably leads his Conjectures. Shall we, say they, *be plundered for upwards of twenty Years together*, and the Man who has oppressed us in every Shape, and to whose pernicious Counsels we owe the present contemptible Figure we make in the Eyes of all Europe : shall he be suffered not only to go off with Impunity, but even to be rewarded with Titles equal to the greatest Merit ? A Title which must disturb the Spirit of the last

last ~~Em~~^{Em}i who wore it, and who obtained it by his *Valour* and *good Services*, to see it so *worthlessly bestowed*. It is the royal Prerogative to reward its Servants, as it is likewise a Duty it owes the People to *punish* those Servants if they be found guilty of Misconduct, and such flagrant Enormities as the Law seems doubtful whether it can punish or not, the Crimes being of such a Dye, that the Wisdom of our Ancestors, biaſſ'd by their own honest Hearts, could not conceive any Man could be guilty of, and therefore left us unprovided against them: Thus, for above an hundred Years after the first Foundation of the *Roman Republick*, they had no Law against *Parricide*, concluding that nothing in human Shape could be capable of perpetrating so abominable a Villany: We, in like Manner, have no express Law against evil Ministers, it being, indeed, I concieve, contrary to our established Constitution to entrust so much Power in the Hands of any one Subject, as must necessarily be vested in a *Premier*. The Parliament, *when sitting*, are our *Ministers*, and when they are not, his *Majesty* has his Council to apply to for Advice and Dispatch on any sudden Emergency: That Person, therefore, who works himself so far into the royal Favour by *seivile Adulation*, or other *unfair Practices*, till he obtains the Disposal of all the Places of *Trust* and *Profit* in the Kingdom, *robs* the Monarch, tho' he leaves him the *Name* of the *best Part of his Power*, and by assuming an Office he has no *Right* or *Title* to, merely to *oppres*'s his Fellow-Subjects,

jects, and accumulate Wealth to himself and his Creatures, is an Enemy to the Public, and a ~~Traitor~~ to the ~~Crown~~. This Man may so far abuse the royal Clemency, that, by besieging it as it were with his Emissaries and Spies, he may keep Truth from ever reaching it. To make the kingly Authority subservient to its own Dishonour, is a Boldness sufficiently *black* and *scandalous*: But meanly to *confederate* with Wretches of his own raising, and Troops of *Hirelings*, and *Pensioners* in Frauds, to cheat the People, or Schemes of *arbitrary Power* to fix on them *indelible Slavery*, looks more like the *Vice* of one bred up in the *Artifices* of a *common Thief*, than the *Policies* of a *Statesman*.

The People, however meanly they may be look'd upon by those who forget the Rights due to the Public, and value themselves separately for their high Birth, and a long Bede-roll of Titles, *wrongly* called Honours, handed down to them from their Ancestors, however variable and inconstant they may be thought, yet their Prejudices are generally grounded on some Reason; they are most sensible when they are injured, as being most liable thereto: They have already made their Complaints to remove this Man from his Power; and tho' he then found Means to *evade* the Charge and *baffle all* their Endeavours to displace him; yet the popular Fury, tho' it was compelled to desist for a while, was far from being smothered or extinguished; no, every Circumstance,

every

every Action convinced them more *firmly*, and rivetted them *stronger* in an Opinion that he was guilty ; nor will they rest till his Crimes are attoned by the just Punishment which they imagine ought to be inflicted on them. They attributed his Escape that Time to his usual Stratagem and Artifice ; and tho', in Obedience to the ~~Royal~~ Favour, they urged it no further at that Time, yet were they far from entertaining an Opinion of his Innocence ; they are, indeed, for the most Part, sufficient Judges of any Injuries done to themselves ; and tho' they may be decieved by Craft, or led into a Labyrinth of Error, by the Finesses of one, who, long practised in *Corruption*, *Shifts* and *Evasions*, knows how to turn every Occurrence to his own Advantage ; yet, in the plain Sense of *Right* and *Wrong*, they often determine better than Persons of more refined Speculation, and certainly, in all Transactions, know when they are used *well* or *ill*.

We have had Instances in all Nations of the Resentments of the People turning upon the unhappy Princes, who, contrary to Reason and Justice, have *protected* their *rapacious Favourites*, when the *incensed Multitude* have demanded Restitution of their Plunder ; and as often of their being instantly appeased, when the Object of their Fury hath been deliver'd up. Subjects, from the natural Obedience which they owe to their Monarch, can bear several Hardships from him without repining, which, when imposed on them by

a Minister whom they look upon no greater than one of themselves, they *take fire* at and mount into a *Blaze* immediately: When their Remonstrances against such a Man are laid before the Throne in an humble and obeissant Manner, they think, they know they have a Right to be heard, and the least Slight or Delay galls them to the Heart; but when those Remonstrances are seconded by circumstantial Evidences, so strong that they are tantamount to a Proof; when all they beg is but an *Enquiry* into the *Conduct* of this Statesman, and find him *skreen'd*, tho', for a while, they bear it with fullen Discontent, the rankling Venom will at length *break forth* in all the Extravagance of *unbridled Rage*.

A subtle and designing Favourite may so far ingratiate himself with his Master, and pursue such Measures, that it may neither be the Prince's Interest or Inclination to give him up to Justice, or permit his secret Transactions to be brought to Light, and openly canvassed by the People; he may sooth his darling Passions, till he hath obtained such Dominion over his Weakness, that, when he would gladly get rid of so troublesome a Companion, he scarce dare to attempt it: Thus *Sejanus*, after he had won the Heart of *Tiberius* by his obeying Qualities, and administering to his Pleasures, awed his Understanding by an over-bearing and commanding Behaviour; but whether it was owing to his outward Quality of Flattering and Oblequiousness, that mov'd him, or the inward Quality

of his Ambition and Genius that drew him to it, he could not maintain it to the last : He made *Tiberius*, for a while, to stand in doubt, it seeming to him that he did but stagger ; but when no outward Violence could overthrow him, he produced it in himself, his Ambition getting the Start of his Obsequiousness ; yet *Tiberius* knew not how to free himself ; he desired inwardly that others would do it, sometimes wishing that the Authority of the Senate would free him from one that was now grown hateful to him ; at other times he fix'd great Hopes in the inveterate Malice of *Macro* ; thus was he as one that *will* and *will not*, or *would*, and *durst not*.

I believe there are few Men so wicked as to become Enemies to their Country, tho' they may be Enemies to those who prevail therein and govern it : But seeing the Inhabitants are those that make a City, and not the Walls, he that is an Enemy to the Adminis~~trat~~^{tration} seems, if not directly, yet indirectly, to be an Enemy to his Country. By this Deceit of believing that the Enmity which is bore to an encroaching Prince, a bad Minister, or a corrupted Faction, is a Hating of the Country, many Princes have run themselves into great Errors and Misfortunes, who should first have attentively considered the Causes and Motives of those, who, by persuading them to exorbitant *Impositions* and *unaccustomed Oppressions*, made them, as it were, declare War against the Country they governed ; when,

when, had they weigh'd it rightly, they might have been assured that so soon as those Men had satisfied their own Passions, they would be the first to forsake them. For the Histories of all Ages will teach us, that more *Princes* have been branded as *Tyrants*, and met with untimely Ends thro' their *Minister's* Faults than *their own*.

But it is needless to go back to Antiquity for Examples of this Kind, when our own Histories are replete therewith. The Fall of *Gaveston*, the *Spencers*, *Mortimer*, *Empson*, and *Dudley*, and many others, sufficiently evince us of the Truth thereof; and the continual Disturbances that at length unhappily ended the Reigns of those bigotted Princes who espoused these Ministers, in Opposition to the repeated Remonstrances of the People, seems to carry with it this sad but solemn Truth; That tho' *Kings* in their *regal Capacity* can do no *Wrong*, yet by conniving at, or consenting to the Male-Practices of their Favourites, *they become answerable for their Guilt*. We scarcely ever find that a bare Dismission of the *Person charged*, from his Offices, has satisfied the Complainants; and it hath commonly happened, that those whom the Prince hath most *highly exalted*, have at last been brought *lowest* by the People.

It is so consonant to Reason, that all *Crimes* should be *punisb'd*, and all *Virtues rewarded*, that it serves for an Argument to know there is a *Heaven* and a *Hell*; because that good and evil Actions oftentimes do not meet with

a proper Recompence in this World, it follows of Necessity, that the Divine Wisdom hath allotted Places for it in the other World: But he is a pernicious Prince, and takes away the Efficacy of the Argument, as much as in him lies, who doth it not in this. The Happiness or worldly Government consists in not suffering any Virtue to go unrewarded, nor any Offence unpunished. But then again, one of the greatest Disorders the Corruption of Rewards hath produced, is, when they find their Treasuries unable to undergo that Burthen, they have in some Sort rewarded those whom they blindly think endued with Virtue, with an *Impunity of Offences*; unfortunate is the *virtuous Act*, abominable the Reward, if the Recompence must be the bearing with Offences; if Rewarding must be Forbearance of Punishment, either *Virtue must go without Reward*, or turn to *Vice* to attain it. But whether the Person accused is guilty or not, no Monarch is to blame to resign his Favourite to an impartial Scrutiny; by that Means he abates the vehement Suspicions of himself in the People, who, otherwise, will be apt to censure him equally with his Minister. If therefore a Prince loves his People, he will give them that reasonable Satisfaction, and those who advise him otherwise, or under his Sanction act to the contrary, however they may disguise it, are actually making a Separation between him and his People. The King is bound by his Coronation Oath, *to cause Law and Justice to be executed*

executed in Mercy and Truth, in all his Judgments, when required : How can he execute that Justice, without hearing what is alledged as Cause of Complaint ? Or, how can he come at that Truth without proper Inquiry ? We may therefore conclude this Head, by saying, That the late Refusal of the only proper Means to obtain an Inquiry into Ministerial Conduct, is throwing an Odium upon the ~~Truth~~, of screening from Justice the Person whom the general Voice of the Nation has required to answer to their Complaint ; that by obstructing the legal Method of obtaining Evidence, the Refusers have virtually *absolved* a Man accused, without hearing his Charge, and thereby assumed to themselves a Power of *pardoning*, which belongs to the Royal Prerogative only ; whereby they have terribly shook the solemn Obligation before-mentioned.

Nor do these Gentlemen consider, that by these Proceedings, as they are giving a *Wound* to the *Constitution* in general, so they are likewise more particularly *injuring* themselves ; they have open'd such a Field of Encouragement to Iniquity, that it is almost tempting a Man to be bad whether he will or no ; it is not only raising the Banner of Corruption, and tacitly promising Impunity to all *future* as well as *present Plunderers* of the Public ; but it is likewise intimidating any one who shall be ready to step forth and give Evidenc against them ; it is more particularly so in the present Case ; it seems to carry with it a direct Implication

cation that they intend to discourage all Evidence that may be produced against the Person whose Conduct is the Subject of Inquiry of the *Secret Committee*. Now every one, the least versed in the common Law of this Land, very well knows, that it severely punishes and discountenances the *keeping back*, *tampering with*, or *menacing* of Evidences, even in the most trivial Suit that may arise between Subject and Subject. If this is look'd upon so dangerous in Things of the smallest Moment, what a destructive Precedent must it prove in Affairs of the greatest Importance, and where no less than the Welfare of ourselves and Posterity, and the fundamental Basis of our Constitution are concerned? If those who are themselves our *Legislators*, refuse a *Law* to promote *Justice*; if those who are to determine the *final Appeals* in *Equity*, obstruct a Discovery of the Truth, and prevent its coming to Light, when desired by all, and ready to appear, how can we hope for *Justice*, or who will take Pains to search for *Truth*, when clogg'd with such Disadvantages? Is it not reasonable to expect, that in this, as in most other Examples, inferior Courts will follow the superior One, the Infestation will doubtless be spread round, and *Right* and *Wrong* be determined as Caprice or partial Affection shall guide; and have not those whose Duty it is to make the proper Distinction, a very good Plea on their Side? *Corruption*, always ready to catch every Thing that is bad, will not let such a glorious Precedent

dent slip, but carefully apply it to prevent any future Testimonies from being brought against her darling Sons; so that, in the Words of those who wisely foresee the fatal Consequences, they hereby not only *injure* the Nation in general, but have form'd a Precedent to deprive themselves of their own Power of calling any future Male-Minister to Account, should they be so inclin'd, and have in Effect pass'd *An Act of Indemnity to all that are to come.*

Their *judicial Faculty* is hereby broke into in such a manner, as must consequently bring it into Disrepute, and make the People fearful of trusting to it in any future Emergency; and I believe there are very few Instances of their having any Love or Veneration for their Rulers, when they find in them that the Inclination ceases to hear their Complaints, and do them Justice. Were an *Appeal* from a Decree to come before them, wherein any one of our Trading Companies are concerned, and who by their Bill endeavoured to find out some Frauds which they were apprehensive had been committed by their Factors or Officers, would they prejudge the Cause, and dismiss the Appeal, because the Allegations of the whole must be supported by the Evidence of some who were concerned in the Fraud? No, surely, they would hear it out first, or else what a Scope would that give to Frauds and Embezzlements in every Branch of Busines. Why then would they do it in this? This which is an Appeal of the *whole Nation?* In

In deep-laid Scenes of Iniquity, where a Number of Accomplices are all equally concerned, and link'd together by the same pernicious Tye, how is there any Way of coming at Justice, or discovering the Secrets of the infamous Combination, but by endeavouring to dissolve it? Reason, Equity, Custom and Experience teach us, that this is the only safe and proper Method; yet by this new Restriction and Inhibition of Justice, we find the whole Course perverted, and Judgment must henceforwards run in a new Channel. Any Set of Villains may plunder and rob at Pleasure, provided they remain firm and steadfast to each other; nay, should one of them be struck with Remorse, and endeavour to do the suffering Parties Right, here is a laudable Precedent to refuse his Testimony. If the Aggressor be one above the common Rank, he has nothing now to do but to plunder the People in *one Place*, his immense Estate and overgrown Villanies shall protect him; let him but remove the Scene, make the Affair above their Cognizance, step into a *more exalted Station*, and he may look round and bid them Defiance. By this new System, *little Offences*, where none can scarcely say they are injured, shall be severely call'd to the Test, whilst *Crimes of the most notorious Quality*, by which the Body of the Nation are hurt, shall not only be *unpunished*, but rewarded with *Honour*, and a Method found out to let them enjoy their *Plunder*, without ever

ever being called to an Account. The Law's Cob-web Texture shall only intrap *feeble Flics*, without having Threads strong enough to hold these *pernicious Hornets*: Thanks to our kind Friends! we have, like the *Israelites* of old, a new *City of Refuge* erected, where Ministerial Delinquents may fly for Protection; and, as the *Jewish Criminal* was safe if he submitted himself to his *God*, and laid hold of the *Horns of the Altar*, so is the *Statesman* here, if he flies to his *modern God*, and sticks fast to the *Sides of the Throne*. Their own *Fame*, one would imagine, should in some Measure have prevented so rash a Step; for no Man, however exalted he may think himself, is above having a Reputation to *obtain or lose*; his Actions make him Debtor to the Public for Esteem, and according to them the Account is *swell'd or less'd*: Tho' I have known several of our *new-fangled Gentry*, as *Shakespear* aptly terms them, *plume their haughty Crests upon the Advancement to th' Honours, which many better Men have gone without*; tho', upon mounting into a Chariot, with a few Coronets at Top, the whole Form of the Man has been changed; and, forgetting that he ever was a Commoner, he immediately boasts a Train of illusrious Ancestors, *intrinckick Worth*, and true Nobility: Yet let them know that the golden Dream they enjoy is all to themselves, and Posterity will judge of their Title to Grandeur by their Actions; the P^t that is made so to serve a Turn, is but a more dignified Tool at best, however he may vaunt himself, and forget his former Station, treating with an different Air the Complaints of his late Equals: His *upstart Pride* will induce them to use him as the Countryman did his wooden Saint, whom having sollicited long to no Purpose, *Iou neel net*, said he, *le jo proud, for we have known you from a Plumb Tree*: Let him whom the Mythology fits apply it.

A Man who in any publick Dealings shall over-trade himself, and having render'd himself incapable

ble of discharging his Contracts, is deem'd infamous if he leaves his Country and seeks a Place of Refuge abroad, tho' in this Case there is some Room for Consideration, as he does it to avoid being thrown into a Gaol: What then shall we say of those who screen the Man, who has traded upon the Bottom of the People, and under that Sanction having defrauded them, now smiles at their Attempts to make him refund? It is deem'd scandalous for any ~~Lord~~ in his *private Capacity* to grant Protections to those who refuse to pay their just Debts; and is it not worse in his *public Quality* to join in preventing *one* from paying a Debt due to the Nation in general?

It is certain that in Frauds of a complicate perplex'd Nature, all Laws justify the Method lately proposed to bring them to Light. Every State stands in need of the Provision of new Laws to regulate new Disorders; and, according as they are more dangerous, the Remedies must be the stronger; nor ought the *Quality* of the *Offenders* to be neglected in the Discipline of the Cure; for what my Lord *Hallifax* says of *Beggars*, may very well be applied to *Cheats*; where the *poor Ones* are only *whipt*, the *great Ones* (out of a proportionable Respect to their Dignity) ought to be *hang'd*. However this may hold good in Theory, in Practice we find it to be far otherwise; for Offences less destructive to the Community than what are generally alledg'd against the late Minister (and which are partly conteis'd by the Person whose Behaviour gave Rise to the Bill, in acknowledging, *That he could give no Answer without affecting himself*) we find the very same Method often made use of. One Case more remarkable than the rest was during the ~~Opposition~~ of this *Minister*, when he actuated, and was the soul of every Thing. A Gentleman whose distinguish'd Excellence in the Law raised him to the highest Post therein, accompanied with Honours

Honours suitable to his vast and extensive Merit, yielding to the many Temptations he met with in so lucrative a Post, forgot that strict Regard he ought to have held to Honour and Justice, and gave into the *fashionable Method* of accumulating his Fortune by some *indirect Practices*, he was called to an Account, and no positive Proof appearing against him, his own Friends, and who had been his Servants in the high Post he enjoy'd, some of whom had actually been concerned in *sharing the Plunder*, were not only indemnified, but compelled under severe Penalties to betray the Secrets of their Master and give him up to Justice. This was then deem'd but a Debt due to the Publick: See how various and fluctuating is the Humour of States and great Councils now it is thought otherwise; *Surmises* were thought sufficient to bring *one* to Trial for *small Offences*, compared to the *other's*, by these very Means which are now denied; so much safer is it to rob the *whole Nation* than only *a Part*; for the fuller they heap their Coffers, the more easy is their Justification when questioned. This puts me in mind of a Story of two of the old *Roman Ministers*, (for they had *Statesmen* and Plunderers as well as us.) When *Verres* was *Prætor of Sicily*, he had with wonderful Dexterity and Corruption so pillaged that Province, that the People were reduced to the utmost Necessity, and though their Murmurs reach'd *Rome*, he for a long Time render'd them ineffectual: And at the same Time the *Prætor of Sardinia* being sentenced for depeculating and robbing that Province; *Timarchides*, a Creature of *Verres*, at *Rome*, sent an Express to him to acquaint him therewith, and give him Time to take all the necessary Precautions he was Master of: But *Verres* well knowing on what Conditions he stood, sent him back this humorous but true Answer, *That the Prætor of Sardinia was a Fool, and had extorted no more from the Sardinians*

than would serve his own Turn ; but that he himself had gather'd up such rich Booties amongt the Sicilians, that the very Overplus thereof would dazzle the Eyes of the S E N A T E, and blind them so that they should not see his Faults.

In Regard to the People, the Consequences of disappointing them at this Crisis will be so much the worse, as their Expectations were raised to the highest Pitch : To *deceive* where a particular Trust is *reposed*, has always been look'd upon as the highest Ingratitude, and is the greatest Aggravation that Treachery can be guilty of. When People are imposed on in common Cases, they have the Benefit of accusing their Understanding and Want of Foresight ; but this was not the Case with the late M~~HISTOR~~^{ISTER}, the Nation were constantly disatisfied with his Conduct, they opposed his pernicious Schemes as much as lay in their Power, but all in vain ; he trained them to the Pit, and led them Step by Step to where he knew they must be swallow'd up, and even insisted that the *Ground was firm*, when they were upon the very *Brink of Sinking*. They have long endured his *oppressive Power* with as much Patience as they could, expecting that a Day would come to ease them of it ; in a Time of profound Peace they were taxed as severely as in the Time of general War formerly ; and notwithstanding so much was annually raised for the Discharge of the national Debt, they found it rather *increased* than *diminished*. Penal Laws were crowded so thick upon him, that scarce any one Privilege was left to the Subject, Standing Armies of military *Excisemen*, and tame usless *Soldiers*, were every Day multiplied upon them ; but to enumerate all the Grievances they labour'd under, (and as Things have since been carried, they seem still likely to labour under) would require an Account much longer than the *Deconfidit Book* of the *Norman Conqueror*, their first general Tyrant ; in short, they

they were grown *contemptible* abroad, and *miserable* at home. Reduced to this Extremity, they receive some Hopes of Redress ; they see their grand Enemy *displaced*, that makes them imagine he will be prevented from doing them so much Mischief as he had formerly done. With the Loss of his *Places*, they likewise hoped he would have been deprived of his *Power* ; he was so to all Appearance, when they perceive that tho' he has retreated thus far, it was with a View to entrench himself the stronger in the ~~Royal~~ Favour, and that he still retains his secret *Influence*. Upon this, what do they do ? They do not fly in the Face of Authority ; they neither use any indecent Behaviour to ~~Majesty~~, nor any extraordinary Insults upon the Authors of their Grievances ; no, they in an humble, modest Manner recommend it to their Representatives to enquire into the Cause of their Grievances, and to endeavour to redrefs them and prevent the like for the future. The ~~Parl~~ takes it into Consideration, they use all proper Means to gratify the just Expectations of their Constituents, when they find all their Wishes and Hopes render'd abortive by an unexpected Division sprung up between the two ~~Hous~~ ; they receive the Refusal of the Bill, which only could set the Enquiry forward, with Repining and inward Discontent ; they have now no Prospect of any Succour intervening ; what then can they do ? Consider then in Time, Gentlemen, propose some Method to alleviate their *still increasing* Fears and Miseries, e'er disappointed Rage hurry them to the greatest Extremities ; Patience, however long it may seem deprest, when it can endure no more, may perhaps burst forth in a Blaze, the Dangers of which we may foresee, and meet perhaps when we are unable to prevent them.

There is no greater Sign that the Nation is really miserable and sensible of its Misfortunes too, than the Spirit of Politicks, which now so universally reigns

reigns amongst them. This hath ever been the Effect of a national Calamity in a free-born People : Universal Misery cannot be supposed to proceed from a trivial Cause ; and therefore the Legislature will be blamed if some Method be not found out to rescue us in Time from the impending Cloud that seems ready to burst upon our Heads ; every body that has suffered thinks he has a Right to find Fault, and consequently to correct : Thus the Infection spreads from the Body to the Mind, and the Populace seldom grow poor but they grow factious too : 'Tis generally in that unhappy Season when their Minds are exasperated with the Sense of their Misfortunes, and their Understandings clouded with the Passions of Revenge ; then the disaffected, subtle Politicians take the Advantage of sowing their evil Principles amongst them ; they first join in the common Cry till they have fashion'd them to their Purpose, and then work them to what Pitch they please : Consider but the Genius of the People, and you will the more readily comply with their Desires ; they are *tractable and easy to be led, patient in suffering and long bearing* ; but *when once rous'd, no Mountain Savage more fierce, tenacious and fond of Liberty, dutiful to their Princes, but entirely averse to over-bearing and rapacious Ministers, and yet no Nation under the Sun hath been more plagued with them* : If they have not Justice then from their Governors and Directors, to whom must they fly ? They have always been subservient, and even lavish, in their Favours to those Princes who have lov'd and cherish'd them. The Way for a Prince to preserve his Power in *England*, is not to strain it to the Height ; they have contended with some Princes for that very Power, which, being sooth'd, they have thrown into the Arms of others.

Many fatal Instances doth the *English History* furnish us with of Ministers supported by the Crown,

Crown, till that has been brought into a Hazard; many, where both ~~Lords~~ and ~~Commons~~ have agreed to demand Justice of the Oppressor; but I think none where the first have so remarkably set themselves in Opposition to the latter, as in the present Case; but this we may remark throughout the Whole, that the ~~Commons~~, whenever they undertook to bring a corrupt Minister to Justice, generally obtained their Ends in the Long-run, notwithstanding all Impediments and Obstacles that were thrown in their Way. The two Houses had, indeed, a Contest in the Reign of *Henry VI.* for, in the 28th Year of his Reign, the ~~Commons~~ made Suit, that *William de la Pole*, Duke of *Suffolk*, should be committed to Prison for many Treasons, and other Crimes; the House of ~~Peers~~ were willing to screen him, but not caring to act so openly as to take his Protection entirely upon themselves, to give it the better Colour, they called in the Judges, and demanded of them, whether the Law required his Commitment; and upon debating the Thing backwards and forwards, they returned for Answer to the Commons, *That he ought not to be committed, because they did not charge him with any particular Offence, but with general Reports and Slanders*: The Consequence of this was, that the ~~Lords~~ were at length obliged to give him up to an Enquiry; upon which so many enormous Facts were proved upon him, that he fell a Sacrifice to appease the Nation he had put in such a Ferment: One particular ill Consequence of refusing an Enquiry, when demanded, is, therefore, that it so irritates the Nation, that no Expiation in the End will be deem'd sufficient to satisfy their Vengeance; which, had it been granted at first, the whole perhaps had ended in a Scrutiny, and when that had been over, natural Clemency would perhaps induce them not to insist on the Life of the Malefactor: And, on the other Hand, the questioning

questioning of great Persons produces as much Terror (tho' it argues not so much Rigour) as the Punishment. Extremity of Law must be used towards *some Few*, to settle Quietness in the *Whole*; and is, as it were, a particular *Bloodletting* for the *general Health*. Had the unhappy King *Charles the 1st* given up his Favourite, the Earl of *Strafford*, to the People, in all Probability it might have prevented *great Part*, if not *all*, the Troubles that occasioned the Catastrophe of that ill-advised Prince.

If we cast our Eyes abroad, and consider it in the Light that Foreigners, our Allies, must look upon it, how can we expect that they will think us earnest in our Resolutions to succour them, whilst he goes off with Impunity, who, by his *Negociations* and *Evasions*, has rendered us *almost unable* to support the Ballance of *Europe*, which, a few Years since, we held without a Rival? or, that we shall be able to deliver them from the Misfortunes in which he has embroiled them, since we are render'd incapable of delivering ourselves from the Injuries he has done us at home, or to bring him to Justice for so doing?

All then that remains for us, is to wait with Patience for *some more propitious Season*, firmly relying on the divine Providence to continue that *audible Spirit* which has lately so much exerted itself in our *Representatives*, that, by their steady Perseverance, *Reason* may prevail, *Animosities* subside, and, by *Justice* taking Place and punishing *Offenders*, the *direful Evils* that threaten us may be suspended, and *Union* once more firmly establish'd.

